

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8936 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

- =====
1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

DIPAL N. LANGHANJIA

Versus

L.D. ENGINEERING COLLEGE

Appearance:

1. Special Civil Application No. 8936 of 2001
MR ANSHIN H DESAI for Petitioner No. 1
MR PITAMBER ABICHANDANI A.G.P. for Respondents No. 1-3
NOTICE SERVED BY DS for Respondents No. 1-3

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 18/10/2001

ORAL JUDGEMENT

1. Rule. Mr.Pitamber Abichandani, learned A.G.P.
waives service of rule on behalf of respondents.

2. The petitioner inter alia challenges legality, validity and propriety of the inaction on the part of the respondents, their officers, agents and servants in not paying the present petitioner the amount of remuneration which has been increased to Rs.5,000/- p.m. from Rs.2,400/- p.m. as per the Government Resolution No.PGS-1099-CH [A].26036 dated 15th March, 1999, which has been given effect from 1.1.1999.

3. On similar set of facts one Special Civil Application No.3361/2001 was filed and the same has been allowed vide order dated 4.9.2001 (Coram : C.K. Buch, J.). This petition is partly allowed on similar grounds. The facts of the decided case are similar to the present case. The reasons assigned by the Court by relying said petition is adopted as reasons of the order of above referred petition. I would like to refer the relevant part of the order for the purpose :-

"I have considered the averments made in the petition and the annexures attached with it. The petitioner was appointed as System Software Operator on contract basis. She was to work in L.D. Engineering College, under the project of Post Graduate Programme in Computer Aided Structural Analysis and Design for one year on consolidated salary of Rs.2,400/- p.m. The period of contract was extended for a further period of 11 months. Meanwhile, on the request of the petitioner, the college recommended to the Director of Education for enhancement of the emoluments of the persons working on the post of Software Operator. Ultimately, the request of college was accepted by the Director of Education by enhancing the emoluments of the post from Rs.2,400/- p.m. to Rs.5,000/- p.m. with effect from 1.1.1999. This say is supported by documents which is at page 21 of the petition. Lastly, the contract was extended upto 30.4.2001. The grievance of the petitioner is that she was not paid contractual and agreed salary as per the Government Resolution by which the emoluments was enhanced. Non-compliance of the Government Resolution by the respondent has dragged the petitioner to approach this Court. The said Government resolution dated 10.11.2000 is at page 21 and the letter issued by the Principal of the College is at page 27 of the petition. It is strange that a person working for remuneration of Rs.5,000/- is compelled to invoke the writ

jurisdiction of this Court for recovery of difference amount. The Director of Education in the college administration ought to have arranged for the payment in a reasonable period of time and could have save precious time of the Court and costs of the parties under litigation".

4. In short the petition is partly allowed and the respondents are directed to make consolidated payment to the difference amount to be made to the petitioner within three weeks from today. In the event of failure in paying the amount of arrears within three weeks, the petitioner will be entitled to the interest at the rate of 12% per annum from the date of the petition till realisation. Rule is made absolute with no order as to costs.

Direct Service is permitted.

sd/-

C.K. Buch, J.)

/phalguni/